

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |  |                   |                |
|-------------|--|-------------------|----------------|
| Applicant:  | Marc Kuttler et al.  | Confirmation No.: | 1489           |
| Appln. No.: | 10/596,791   | Group Art Unit:   | 1617           |
| Filed:      | March 9, 2008  | Examiner:         | Audrea Buckley |
| Title:      | CONTROL OF THE DEGRADATION<br>OF BIODEGRADABLE IMPLANTS<br>USING A COATING | Atty. Docket No.: | 149459-110070  |
|             |  | Customer No.:     | 25207          |
|             |  | Submitted:        | May 24, 2011   |

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE AFTER FINAL

Sir:

In response to the final Office Action of March 9, 2011, please amend the above-identified application as follows:

**Status** is on page 2.

**Summary of USPTO Fees** begins on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments/Conclusion** begin on page 8 of this paper.

## **STATUS OF APPLICATION PRIOR TO AMENDMENT**

The above-captioned patent application is pending.

Claims 1-11 were pending in the application.

Claims 7, 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1-7, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526).

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526) and further in view of Andersen (U.S. Patent No. 5,360,440).

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Tormala (International Patent Publication WO 97/11724) in view of Steinke (U.S. Patent Publication No. 2002/0106526) and further in view of Pinchuk (U.S. Patent No. 5,575,818).

Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting.

**SUMMARY OF USPTO FEES ENCLOSED HEREWITH**

**Excess Claims Fees**

| Previously Paid For |             | After Present Amendment |               |
|---------------------|-------------|-------------------------|---------------|
| Total Claims        | Independent | Total Claims            | Independent   |
| 20                  | 3           | 18                      | 1             |
| Fee Due:            |             | (0 @\$52) \$0           | (0@\$220) \$0 |

Entity status: Large

Total Excess Claims Fee Due: \$0

**Authorization to Charge Fees**

It is believed that no fees are due. However, the Commissioner for Patents is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-4913.